

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**

No. 08-518V  
Filed: October 6, 2009

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DAWN M. BRUCHER, as Parent and  
Legal Representative of her Minor Son  
TYLER G. BRUCHER

Petitioner,

v.

SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES,

Respondent.

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\*      Stipulation; DTaP; MMR; IPV;  
\*      Anaphylactic reaction; Allergic  
\*      Sensitivity  
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**DECISION<sup>1</sup>**

On October 6, 2009, the parties to the above-captioned case filed a Stipulation memorializing their agreement as to the appropriate amount of compensation in this case. Petitioner alleges that her son, Tyler, suffered an anaphylactic reaction and subsequent allergic sensitivity to the MMR vaccine, gelatin, and neomycin, as sequelae of his injury as a result of vaccines administered on August 18, 2005.<sup>2</sup> Alternatively, petitioner alleges her son's immunizations significantly aggravated "some form of underlying immunologic or genetic disorder" and resulted in the above-mentioned allergies. Respondent admits that petitioner's son suffered an anaphylactic reaction but denies that the injury persisted for longer than six months as required by the Act.<sup>3</sup> Respondent also denies that petitioner's son suffered from an "underlying immunologic or genetic disorder" that was aggravated by his immunizations or that he developed ongoing allergies to the MMR vaccine, gelatin, and neomycin as sequelae to his injuries. Nonetheless, the parties have agreed informally to resolve this matter.

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<sup>1</sup> The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire decision will be available to the public. Id.

<sup>2</sup> Petitioner's son received his DTaP, MMR, and IPV immunizations on August 18, 2005.

<sup>3</sup> National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-11(c)(1)(D)(I).

The court hereby **ADOPTS** the parties' said Stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Specifically, petitioner is awarded a lump sum of **\$30,000.00** in the form of a check payable to petitioner as guardian/conservator of Tyler's estate. See Stipulation, para. 8, filed October 6, 2009. The Clerk of the Court is directed to enter judgment accordingly.<sup>4</sup>

**IT IS SO ORDERED.**

s/ Gary J. Golkiewicz  
Gary J. Golkiewicz  
Chief Special Master

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<sup>4</sup>Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.